

Program Summary **Judiciary** **Drug Court**

Program Overview

Drug Courts are voluntary programs for offenders charged with or convicted of drug and drug-related crimes. An alternative to regular criminal adjudication, Drug Court teams typically consist of a judge, prosecutor, defense attorney, probation officer, and a treatment provider who collaborate to design appropriate treatment, counseling, and sanctions to reduce the offender's dependency on illegal drugs and their future chances of incarceration. Drug Courts have been in operation in Arizona since March 1992, with 26 operational programs throughout 7 counties and 10 Native American tribal governments. *Table 1* lists the operational and planned drug courts in Arizona.

Eligibility for Drug Courts varies depending on the requirements and restrictions of the particular Superior Court in which the program operates. Defendants typically have a demonstrated drug addiction that has put them in contact with law enforcement and the judicial system. In most cases, the underlying offense must be of a non-violent, non-sexual nature, and the offender must not have committed a prior violent or sexual offense.

The process for each Drug Court also varies, although most follow a post-adjudication procedure in which offenders enter the program after pleading guilty. Individuals, now on probation, then are given opportunities to utilize drug treatment services, such as counseling and education. Offenders also must

Table1		
<u>Location</u>	<u>Operational Drug Courts</u>	<u>Implemented</u>
Bisbee	Cochise County Juvenile	Sept. 2000
Camp Verde	Yavapai-Apache Tribal Adult	Mar. 2000
Flagstaff	Coconino County Adult DUI/Drug	Feb. 2001
Fort McDowell	Fort McDowell Yavapai Tribal Juvenile	Mar. 2005
Globe	Gila County Adult and Juvenile (2)	June 1999
Kykotsmobi	Hopi Tribal Juvenile	Jan. 2002
Peach Springs	Hualapai Tribal Combination	Jan. 1998
Phoenix	Maricopa County Family	Sept. 2002
Phoenix	Maricopa County Adult DUI (3)	Mar. 1998
Phoenix	Maricopa County Adult	April 1992
Prescott	Yavapai County Juvenile	May 1997
Prescott	Yavapai County Family	Feb. 1997
Sacaton	Gila River Tribal Juvenile	April 2000
Scottsdale	Salt River Pima-Maricopa Tribal Juvenile (2)	Sept. 2005
Supai	Havasupai Tribal Combination	Mar. 2001
Tucson	Pascua Yaqui Tribal Family	July 2002
Tucson	Pima County Family	Oct. 2000
Tucson	Pascua Yaqui Tribal Juvenile	July 1999
Tucson	Pascua Yaqui Tribal Adult	Aug. 1998
Tucson	Pima County Adult	Jan. 1997
Yuma	Yuma County Juvenile	Mar. 2001
Yuma	Yuma County Adult	Mar. 1998
<u>Location</u>	<u>Planned Drug Courts</u>	
Fort McDowell	Fort McDowell Yavapai Tribal Adult	
Fort McDowell	Fort McDowell Yavapai Tribal Family	
Keams Canyon	Hopi Tribal Family	
Keams Canyon	Hopi Tribal Juvenile	
Fredonia	Kaibab Band of Paiute Tribal Adult	
Snowflake	Navajo County Adult	
Holbrook	Navajo County Adult	
Tucson	Pima County Juvenile (2)	
Florence	Pinal County Adult (2)	
Florence	Pinal County Juvenile (2)	
Sells	Tohono O'odham Tribal Family	
Sells	Tohono O'odham Tribal Juvenile	

abide by certain rules, such as abstaining from drugs and alcohol and obeying any other prohibitions ordered by the judge. If an offender successfully completes the program, often the conviction is reduced from a felony to a misdemeanor. Terms of probation, which originally may have continued past the completion point of the Drug Court program, are then often suspended.

In a few cases, Drug Courts are pre-adjudication programs. In these instances, the offender enters a guilty plea, but the court suspends judgment until the offender successfully completes treatment, at which point charges are dismissed. If the offender drops out or is removed from the program, the court can convict on the original charge.

Although there is a basic Drug Court model, programs in a particular county or tribal government have their own characteristics and modifications. The most common forms are adult and juvenile Drug Courts, although some jurisdictions have implemented family Drug Court and DUI/Drug Court programs.

According to a 2004 survey conducted by American University, Arizona ranked 13th, tied with Louisiana for the total number of operational drug courts in the United States. Among western states, Arizona ranked fourth, behind California (158), Wyoming (43), and Idaho (40).

Program Funding

Federal sources often provide most of the monies for Drug Courts, especially during the planning and initial implementation phases. The U.S. Department of Justice distributes monies for up to 3 years, after which jurisdictions must either fund the programs or find alternative funding sources. Some Arizona jurisdictions are currently using federal seed monies to plan, implement, or enhance their programs, and others that have already used their allotments of federal monies have found new funding elsewhere.

Only 2 Arizona Drug Courts (the juvenile Drug Courts in Pima and Pinal Counties) have stopped operation after becoming operational. The reasons behind those closures were not available.

Costs will differ throughout the state for each Drug Court, based on staffing levels, caseloads, and types of treatment offered. No comprehensive statewide information was available, but funding proposal information compiled by the Administrative Office of the Courts (AOC) indicated that adult Drug Courts cost approximately \$3,000 per participant – about

65% of that being treatment costs. Costs for juvenile Drug Courts were estimated at about \$7,000 per participant, with about 75% going toward treatment.

AOC reports that new sources of funding include the Drug Treatment and Education Fund, Drug Court participant fees, county funds, the DUI Abatement Fund, and Fill the Gap monies.

Recent Programmatic Changes

The FY 2006 budget currently contains no dedicated state funding or line item for Drug Courts. Laws 2005, Chapter 296 adds General Fund monies for the first time by appropriating an additional \$1 million in FY 2007 for Drug Court Programs. AOC requested \$5 million in the initial proposal to expand Drug Courts across the state.

Most of the state's Drug Courts were created in the late 1990s to 2001. However, it appears that the most recent addition to the collection of programs was the Salt River Pima-Maricopa Tribal Juvenile Drug Court, started in September 2005. In addition, at least 5 courts in 3 counties have received federal planning grants to begin new programs.

Performance Measures

Drug Courts often determine performance levels through a few primary measures, such as numbers of offenders processed, graduation rates, re-arrest rates and cost-savings measures. Unfortunately, these performance measures are frequently collected only at a county level and are not always comprehensively aggregated. However, AOC reports that nearly 9,100 offenders statewide had been processed through adult and juvenile Drug Court programs from 1995 to December 2004. Of those participants, excluding those still in programs, 29.2% of the participants had graduated, successfully completing program requirements, with the remainder either dropping out or removed.

No statewide information regarding recidivism rates of Drug Court graduates was available, but a few individual courts report data. A Pima County Superior Court study found that 24% of adult Drug Court program graduates had been re-arrested since 1999, compared to 61% of those who failed the program and 65% of those not placed in the program. Yuma County's adult Drug Court showed a 14% re-arrest rate, according to AOC. A 2003 National Institute of Justice report showed a 16.4% one-year felony re-arrest rate of a sample of 17,000 Drug Court graduates nationwide.

Similar data was unavailable for other drug treatment programs, such as those offenders may be required to undergo as terms of probation. No statewide recidivism information on probationers had been collected because no agreement had been reached on how to define recidivism, AOC officials reported.

AOC also did a cost comparison of 848 adult drug or DUI offenders who were sent to prison in FY 2004 after their probation was revoked. Using an approximate yearly cost of \$21,000 to house an offender in the Department of Corrections and a Drug Court operating cost of \$2,893 per participant for a 12-month period, AOC estimates a cost savings by diverting these offenders into Drug Court. This study, however, is limited because it implies that all Drug Court participants would be sent to prison rather than placed on probation, which would cost less than incarceration. The study also assumes 100% success, not taking into account any Drug Court participants who fail and are sent to prison, again driving up costs. Also, any cost savings estimate will depend on whether diverting an inmate from prison results in fewer prison beds being operated. If there is no change in the number of beds, the marginal cost of adding inmates to prison is \$3,500 per year, compared to \$2,893 per Drug Court participant. *Table 2* lists possible performance measures.

Table 2		
Drug Courts		
Performance Measures		
<u>Performance Measure</u>	<u>FY 2004 Actual</u>	<u>FY 2006 Estimate</u>
Percent of program participants graduating	29.2	NA
Percent of program participants re-arrested since 1999 (Pima County)	24	NA